

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)

v.) M.B.D. Case No. 15-mj-7218-JCB
RAZA ALI,)
Defendant)

JOINT MOTION FOR ENDS-OF-JUSTICE CONTINUANCE
OF TIME FOR FILING AN INDICTMENT OR INFORMATION,
AND EXCLUSION OF TIME,
UNDER THE SPEEDY TRIAL ACT

The United States of America, by and through Assistant United States Attorney Stephen P. Heymann, and the defendant through undersigned counsel, respectfully move this Court to grant a continuance of the time within which an indictment or information must be filed, and exclude the time period from the defendant's initial appearance on December 21, 2015 through and including February 5, 2016 from the speedy trial clock, pursuant to the Speedy Trial Act, 18 U.S.C. §§3161(h)(7)(A), and Sections 5(b)(7)(B) and 5(c)(1)(A)of the *Plan for Prompt Disposition of Criminal Cases* for the United States District Court for the District of Massachusetts (effective December 2008), on the ground that the ends of justice served by granting the requested continuance and excluding these periods outweigh the best interests of the public and the defendant in a speedy trial. The parties further ask this Court to issue the attached proposed *Order of Continuance and Excludable Delay*. In support of this request, the parties state as follows:

1. The parties have been engaged in preliminary discussions regarding the possible resolution of this matter (which was initiated by a criminal complaint in United States vs. Raza Ali,

et al., 15-mj-7218-JCB that might result in a plea agreement and obviate the need for an indictment of the defendant.

2. The requested exclusion of time will permit defense counsel to adequately confer with the defendant, and allow the parties to further discuss and finalize the terms of any agreement, before the government is required to seek an indictment of him. Such an agreement, in conjunction with a pre-indictment plea, may work to the defendant's benefit and permit the government and the court to allocate their resources efficiently.

3. The parties agree that, if the requested time is excluded, the government has until March 6, 2016 to return an indictment in this case. No previous extensions have been requested.

4. The defendant is not being held in custody on the basis of the complaint.

5. A proposed order is attached.

Respectfully submitted,

RAZA ALI
By his attorney,

/s/ Jack Pirozzolo by SPH
Jack Pirozzolo

CARMEN M. ORTIZ
United States Attorney

By: /s/ Stephen P. Heymann
Stephen P. Heymann
Assistant U.S. Attorney

Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants.

By: /s/ Stephen P. Heymann
Stephen P. Heymann
Assistant U.S. Attorney

UNITED STATES DISTRICT COURT
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UNITED STATES OF AMERICA)

v.) M.B.D. Case No. 15-mj-7218-JCB
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Defendant)

ORDER OF CONTINUANCE AND EXCLUDABLE DELAY

Upon consideration of the parties' joint motion seeking an order of continuance and excludable delay, the Court finds as follows:

1. The parties have been engaged in preliminary discussions regarding the possible resolution of this matter (which was initiated by a criminal complaint in United States vs. Raza Ali, et al, 15-mj-7218-JCB, which might result in a plea agreement and obviate the need for an indictment, and the requested continuance of the time in which an indictment or information must be filed will permit defense counsel to adequately confer with the defendant and allow the parties to further discuss and finalize the terms of any agreement, before the government is required to seek an indictment or information. Such an agreement, in conjunction with a pre-indictment plea, may work to the defendant's benefit or permit the government and the court to allocate their resources efficiently.

3. Accordingly, the ends of justice served by granting the requested continuance, and excluding the time period from December 21, 2015 through and including February 5, 2016 from the speedy trial clock, outweigh the best interests of the public and the defendant in a speedy trial pursuant to the Speedy Trial Act, 18 U.S.C. §§3161(h)(7)(A), and Sections 5(b)(7)(B) and

5(c)(1)(A)of the *Plan for Prompt Disposition of Criminal Cases* for the United States District Court for the District of Massachusetts (effective December 2008).

Accordingly, the Court hereby grants the parties' joint motion and **ORDERS** that, pursuant to the Speedy Trial Act, 18 U.S.C. §§3161(h)(7)(A), and Sections 5(b)(7)(B) and 5(c)(1)(A)of the *Plan for Prompt Disposition of Criminal Cases*, (1) the date on which an indictment or information must be filed is continued to March 6, 2016; and (2) the period from December 21, 2015 through and including February 5, 2016 is excluded from the speedy trial clock and from the time within which an indictment or information must be filed.

UNITED STATES MAGISTRATE JUDGE

Date: